

**STATE OF CALIFORNIA
OFFICE OF GOVERNOR GRAY DAVIS**

**APPLICATION FOR
APPELLATE COURT APPOINTMENT
(Attorney form)**

Date: _____

1. Name: _____
(List any other names you have used and the dates.)

2. Specific Judicial Position(s) Sought:

California Supreme Court _____

Court of Appeal, _____ Appellate District

3. Business/Government Title: _____

Firm/Office: _____

Address: _____

City

County

State

Zip

Phone: (____) _____ Fax: (____) _____

4. Residence Address: _____

City

County

State

Zip

Phone: (____) _____ Fax: (____) _____

5. Date of Birth: _____ Place of Birth: _____

6. Ethnicity (Optional): _____ Gender: ____M ____F

7. Driver's License No: _____ Social Security No: _____

8. California Bar Admission Date: _____ Bar No: _____

9. If you ever served as a judge, magistrate, commissioner, referee or administrative law judge, were you:

Appointed? _____ Date: _____

Elected? _____ Date: _____

10. Are you a registered voter? ____ Yes ____ No County: _____

List all current and past political party affiliations, with dates: _____

11. Identify your State Senator and Assembly Member:

Senator: _____ Assembly Member: _____

12. Educational History (inverse chronological order):

<u>Colleges/Law Schools Attended</u>	<u>From</u>	<u>To</u>	<u>Degree Received</u>	<u>Date Degree Received</u>
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13. Professional Work History (inverse chronological order):

<u>Employer</u> (include current address)	<u>Position</u>	<u>Supervisor</u> (include current phone No. and current address)	<u>From</u>	<u>To</u>
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Provide the following information sequentially on plain, letter-size paper. Each request or question and your response should be typed and single-spaced. It is expected that all of the following requests and questions will be answered fully and honestly. Do not read questions narrowly. If you are uncertain of the information being sought, err on the side of disclosure.

14. If you previously applied for a judicial appointment, specify the year and position sought.
15. List your residence addresses for the past ten years (include approximate dates).
16. If you are a naturalized citizen, provide the date and place of naturalization.
17. Provide the full name, occupation and business address of your spouse, if married, and the names and birth dates of your children, if applicable.
18. Indicate the periods of your military service, if applicable, including the dates, the branch in which you served, your rank or rate, your serial number and type of discharge.
19. Identify any languages other than English that you speak fluently.
20. List all courts in which you are presently admitted to practice, including the date of admission in each case. Provide the same information for administrative agencies having special admission requirements.
21. Describe with specificity the nature of your current practice, including any areas of emphasis and specialization certified by the State Bar of California, and the nature of your typical clients. If your practice is substantially different now from the past, give the details of your prior practice, including the time periods involved.
22. With respect to your entire career:
 - (a) How many years of civil litigation experience do you have?
 - (b) How many years of criminal practice experience do you have?
 - (c) State the number of cases you have tried to verdict in courts of record during your career, including whether you were sole, associate or lead counsel. How many of these cases were (1) civil, (2) criminal, (3) jury and (4) non-jury?
 - (d) Provide the citations to all reported cases in which you were counsel of record in the trial or appellate courts.
23. With respect to the past five years:
 - (a) What percentage of your practice has been devoted to litigation?

- (b) How frequently have you appeared in court (times per month on average)?
 - (c) How frequently have you appeared at administrative hearings (times per month on average)?
 - (d) What percentage of your practice involving litigation has been:
(1) civil, (2) criminal and (3) administrative hearings?
 - (e) What percentage of your appearances was in: (1) federal courts, (2) state courts, (3) administrative agencies and (4) arbitrations?
 - (f) List the cases you have tried to verdict in courts of record during the past five years including whether you were sole, associate or lead counsel. For each case, list the case name and number, court, date, type of case, party represented, name of judge presiding, and the names, current addresses and telephone numbers of counsel for the other parties and the names, current addresses and telephone numbers of co-counsel, if applicable. If there were more than five such trials, please limit your list to the last five trials.
 - (g) List the appeals or other proceedings before appellate courts that you have handled during the past five years, including whether you were sole, associate or lead counsel. For each case, list the case name and number, citation (if published), court, date, type of case, nature of appellate proceeding (e.g., appeal, writ petition), party represented, name of appellate judges, and the names, current addresses and telephone numbers of counsel for the other parties and the names, current addresses and telephone numbers of co-counsel, if applicable. If there were more than five such matters, please limit your list to the last five matters.
24. List 10 significant cases, trial or appellate, in which you have appeared as counsel (which may include one or more of the cases listed in your response to the preceding question). For each case, furnish copies of appellate briefs of which you were the principal author and provide the name of the case; case or citation number; a brief description of the case; the names, current addresses and telephone numbers of counsel for the other parties; the name of the court and the judge, arbitrator, or judges before whom the case was litigated or appealed; the dates involved; the disposition; whether the case was tried, and, if so, before a judge or jury; whether you were sole, lead or associate counsel; and the names, current addresses and telephone numbers of co-counsel, if applicable.
25. Summarize your trial and appellate experience prior to the last five years. If during any prior period you appeared in court with greater frequency than during the last five years, indicate the periods during which this was so and give for such prior periods the same information which was requested in Question 23.
26. Have you ever taught at a law school? If so, which school? When? What was the nature of your appointment? Which course(s) did you teach?

27. Describe the nature and extent of your service, if any, as a judge pro tem, as a mediator, or as an arbitrator, either privately or through a judicial arbitration program. Describe the more significant cases and identify the counsel involved (including names, current addresses and phone numbers) and dates of your service. Furnish copies of opinions, orders or decisions in those cases which included substantial discussion of legal issues.
28. Describe any non-litigation aspects of your legal experience which you believe are relevant to your qualifications to serve as an appellate court justice.
29. If you are currently or have been a judicial officer, commissioner or administrative law judge, provide the following information:
 - (a) Describe briefly your judicial duties.
 - (b) List 10 significant cases in which you presided and provide the following information: name of case; court, tribunal or administrative agency; case number; brief description of the case; dates involved; and the names, current addresses and telephone numbers of counsel for the parties. Furnish a copy of any opinions, orders or decisions in these cases which included substantial discussion of legal issues.
30. Have you ever been engaged in any occupation, business or profession other than the practice of law? If so, provide the details, including dates.
31.
 - (a) If you are now an officer, director or otherwise engaged in the management of any business enterprise (whether for-profit or non-profit), identify the name of such enterprise, the nature of the business, the title of your position, the nature of your duties, the term of your service and whether you intend to resign such position immediately upon your appointment to judicial office. If you do not intend to resign, please provide the reasons.
 - (b) During the past five years, have you received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization or association of any kind? If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, the dates such compensation was paid, and the nature of any services rendered by you.
32.
 - (a) Have you ever held judicial office or been a candidate for judicial office? If so, identify the courts involved, whether elected or appointed, and the dates of service and dates of candidacy.
 - (b) If you have had prior quasi-judicial service, provide the name of the agency, the position held, type of matters heard, the number of matters adjudicated, and the dates of service.

33. Have you ever held public office other than a judicial office, or have you ever been a candidate for such an office? If so, provide the details, including the offices involved, whether elected or appointed, and the dates of your service.
34. Have you written, edited or published any legal books, articles, letters to editor or reports? If so, please list them, giving full citations, dates, and a general description of the subject matter. Please attach a copy of any letters to editor or op-ed articles you have authored.
35. List any honors, prizes, awards, scholarships, fellowships and other forms of recognition you have received.
36. (a) List all bar associations and legal professional societies in which you are or have been a member and give the titles and dates of any offices you have held and committees on which you served.

(b) List all organizations and clubs, other than the bar associations and professional societies identified in response to Item 36(a), in which you have been a member during the past 15 years, including the titles and dates of any offices you have held and committees on which you served.

(c) Are you a member of any club, organization or association that by policy or practice prohibits or limits its membership on the basis of race, color, religion, sexual orientation, gender, disability or national origin? Have you ever been? If so, identify the organization and provide details.
37. Describe the nature and extent of any free legal services you have provided to non-profit organizations, indigent individuals and others, including the names and addresses of such organizations and/or individuals where appropriate.
38. Describe the nature and extent of your involvement in community affairs other than those associated with the legal profession.
39. Have you ever been summoned, cited, arrested, taken into custody, indicted, convicted or tried for, or charged with, or pleaded guilty or no contest to, the violation of any felony or misdemeanor (excluding traffic infractions), or have you ever been requested to appear before any prosecuting attorney or investigative agency in any matter, military or civil? If so, provide the details, including the date, description of the alleged offense, locality and disposition.
40. Have you ever held or applied for a commission, certificate, credential or license which required proof of good character, other than admission to practice law? If so, provide the date of application, issuing authority, disposition of the application, and, if granted, your number and present status.

41. (a) Have you ever held a bonded position? If so, specify the nature of the position, date(s) and amount of bond. (b) Has anyone ever sought to recover upon your bond or to cancel same? (c) Have you been refused bond? Please provide the details if you answered yes to either (b) or (c).
42. As an attorney or judicial officer, have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to, any court, administrative agency, bar association, disciplinary committee or other professional group? If so, provide the particulars, including the applicable dates and disposition. (Identify every complaint even if it was dismissed or did not result in disciplinary action.)
43. As a member of any organization, or as a holder of any office or license (including a driver's license), have you ever been suspended, or otherwise disqualified, or had such license suspended or revoked? Have you ever been reprimanded, censured or otherwise disciplined? Have any charges, formal or informal, ever been made or filed against you? If so, state the complete facts, dates, disposition and organization in possession of the records thereof.
44. Have you ever been sued by a client? If so, provide the particulars, including the case name and number, court, resolution, and name, current address and telephone number of counsel for the plaintiff.
45. Have you or your professional liability insurance carrier ever settled a claim against you for professional malpractice? If so, provide the particulars, including the amounts involved and name, current address and telephone number of the claimant and claimant's counsel.
46. Have you ever been a party to or claimed an interest in any civil proceedings (including dissolution of marriage, bankruptcy, damage suits, etc.)? If so, provide the particulars, including the case name and number, court, disposition, and names, current addresses and telephone numbers of counsel for the parties in each case.
47. Have you ever been a party or otherwise involved in any other legal proceedings? If so, provide the particulars. Do not list proceedings in which you were merely a guardian ad litem or stakeholder. Include all legal proceedings in which you were a party in interest, a material witness, named as a co-conspirator or co-respondent, and any grand jury investigation in which you were identified as a subject, or in which you appeared as a witness. Provide the names, current addresses and telephone numbers of counsel for the parties in each case.
48. Are there any unsatisfied judgments against you, or are you in default in any way in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court (including any orders for child and spousal support)? If so, state the full details.

49. Have you ever been sanctioned in excess of \$1000 by any court, or have you ever been cited for contempt of any court or tribunal having the power of contempt? If so, give the details, including dates and names, current addresses and telephone numbers of the judges involved and counsel for the adverse parties.
50. Have you ever been charged in any civil, criminal or administrative action with conduct alleged to involve moral turpitude, dishonesty and/or unethical conduct? If so, provide the particulars, including the applicable dates and names, current addresses and telephone numbers of the counsel for the adverse parties.
51. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities? If so, provide the particulars, including the amount at issue, date and status of the claim or other collection procedure.
52. Have you filed appropriate tax returns as required by federal, state, local and other government agencies? If not, provide an explanation, including the amount at issue, date and resolution.
53. (a) Are you able, with or without reasonable accommodation, to perform the requirements of an appellate court judge? These requirements include, among other things:
- Attentively receiving, analyzing and concentrating on information for a total of eight or more hours within a work day of reasonable duration;
 - Processing substantial volumes of information, originally presented in written form (e.g., legal briefs, cases, transcripts);
 - Comprehending attorneys and others;
 - Absorbing, analyzing, researching, and weighing complex issues quickly and accurately;.
 - Responding to situations with discretion, judgment and restraint while under pressure; and,
 - Producing a large volume of written decisions in diverse and complex areas of the law.
- (b) Have you ever illegally used drugs? If so, when was the last time you did so? Are you currently engaged in the illegal use of drugs? Please feel free to explain.
- (c) At any time in the last ten years have you been diagnosed as having, or have you received treatment for, pathological or compulsive gambling? If yes, provide information to show whether and how well the condition is currently controlled.

- (d) Is there any reason that, with or without reasonable accommodation, you could not exercise the discretion, judgment, and emotional and mental discipline required of a judge?
54. If any articles or allegations have ever been printed or broadcast or otherwise made public concerning you or your activities, views or statements (irrespective of factual accuracy) which may reflect adversely on your character or job performance, identify the material, explain fully, and attach a copy of each publication to this application. (If the volume is extensive, attach representative samples of the publications and specify where the balance may be reviewed.)
55. Are you aware of any individual(s) or group(s) who may oppose your appointment? If so, identify the potential opponents and provide any needed explanation.
56. Describe any aspects of your personal, business or professional conduct or background which may reflect positively and/or adversely on you or the Governor or which you believe should be disclosed to the Governor in connection with your application for appointment to judicial office.
57. What do you consider the three most important qualities required of an appellate judge? Are any of these qualities different in importance from those required of a trial judge? Please explain why you believe you possess these qualities and how you acquired them.
58. Why do you want to be an appellate court judge? Why do you believe you are qualified? What would you seek to accomplish if appointed?
59. Please attach your photograph (optional) and a copy of your resume.
60. If not already provided in response to earlier questions, please attach samples of your legal writing (such as appellate briefs, memoranda of points and authorities, opinion letters, etc.). The samples should not exceed a total of 75 pages.
61. Please list five references (name, current address and telephone number).

AUTHORIZATION AND RELEASE

I hereby acknowledge and agree that my application may be given to the Commission on Judicial Nominees Evaluation of the State Bar of California ("JNE Commission") in the event my name is submitted for evaluation by that agency; and that all or portions of my application or the information contained therein may be given to or shared with the judicial evaluation committee of my local bar association (if that association is providing such assistance to the Governor's Office) and other committees and/or individuals who have been asked by the Governor to assist him in the evaluation of applicants for judicial appointment. I further acknowledge and agree that for the purpose of aiding the Governor in evaluating my background and qualifications, the foregoing organizations and individuals will be entitled to seek and obtain information and documents concerning me from attorneys, judges and other third parties, including those mentioned in my application.

I hereby authorize any governmental, licensing or law enforcement agency, including but not limited to the State Bar of California, and major national credit reporting organizations (collectively referred to as "agencies") to release to the Governor of the State of California any and all information which those agencies may have about me (whether public, personal or confidential) for the purpose of aiding the Governor in evaluating my background and qualifications for appointment to the trial or appellate court. I understand that I will not receive and am not entitled to know the contents of confidential reports received from these agencies and I further understand that these reports are privileged, except that I am entitled to receive a copy of reports from major national credit reporting agencies.

I hereby release and discharge all such agencies, their agents and representatives, and any person furnishing information from any and all liability of every nature and kind arising out of the furnishing and inspection of such documents, records and other information, and this release shall be binding on my legal representatives, heirs and assignees.

Date

Signature of Applicant

(type or print name)